

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
JUNE 12-13, 2001

MEMBERS PRESENT: John Bohlman, RPH; Charlotte Rassmussen; Sue Sutter, RPH;  
Michael Bettiga (excused at 4:00 on 6/13), RPH; Dan Luce, RPH;  
Cynthia Benning, RPH; Georgina Forbes

LEGAL COUNSEL: William Black

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: Paul Krueger, Hilbert & Tenuta; Carol Petersen, Women's  
International Pharmacy; Susan Kleppin, PSW; Gina Hastreiter and  
Michelle Long, Walgreens; Larry Edwards, DOC; Trisha Werner,  
Sarah Fictum, Sarah Gruen, Amy Belger, Amy Kind and Jennifer  
Tatterson, pharmacy students

CALL TO ORDER

Chair John Bohlman called the meeting to order at 3:00 p.m. on June 12, 2001.

APPROVAL OF AGENDA

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the  
agenda as published. Motion carried unanimously.

REVIEW AND DISCUSSION OF PROPOSED AMENDMENTS TO PHAR 2.06 DEFINING  
“ACTIVE PRACTICE”

The Board directed legal counsel William Black to draft language defining “active practice” and  
to bring it to the next Board meeting for review and further discussion.

REVIEW AND DISCUSSION OF CALIFORNIA, FLORIDA AND TEXAS LAW RELATING  
TO ERROR REPORTING

MOTION: Dan Luce moved, seconded by Michael Bettiga, to direct legal counsel  
William Black to review previous scope statement relating to error  
reporting, and to draft a new scope if necessary. This will be brought back  
to the next Board meeting for review. Motion carried unanimously.

REVIEW PROPOSED AMENDMENT TO PHAR 2.01(1) AND 2.04(1)  
AND APPROVAL TO SEND TO CLEARINGHOUSE

The Board made some changes and clarifications to the proposed amendment to Phar 2.01(1) and  
2.04(1). William Black will make the changes and bring them back to the next Board meeting.

## EXPLANATION OF CHANGES TO PHAR 8.05(7)

The Board reviewed and suggested several changes to the explanation of changes to Phar 8.07(7).

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the explanation of changes to Phar 8.07(7) as corrected and to publish it in the *Regulatory Digest*. Motion carried unanimously.

## UPDATE ON PHAR 7.20 CENTRAL FILL

This item was informational.

## UPDATE ON CLEARINGHOUSE RULE 00-157

Clearinghouse Rule 00-157 was withdrawn by the Board during the June 7, 2001 telephone conference. Legal counsel corresponded, as directed, with Senator Moen and Representative Underheim. The Board reviewed, and made changes to, a draft letter to Tom Engels, PSW, regarding the rules promulgation process.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to have legal counsel make the changes to the letter to Tom Engels as discussed, and have the finalized letter ready for John Bohlman's signature tomorrow (6/13/01). Motion carried unanimously.

## CONTINUED DISCUSSION OF SELF-INSPECTION REVISIONS

Board members will have their pharmacy/pharmacies complete the draft revised self-inspection form in order to provide feedback on the form itself.

## JULY MEETING

There are now sufficient trained examiners that the Board members should not have to be present for the entire July examination. The Board would like to meet concurrently with the exam administration on the afternoon of July 9<sup>th</sup>, and continue the meeting as scheduled on July 10<sup>th</sup>.

## RECESS

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to recess the meeting until tomorrow. Motion carried unanimously.

The meeting recessed for the day at 5:07 p.m. and will reconvene tomorrow at 9:00 a.m.

## RECONVENE/CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:02 a.m. on June 13, 2001.

## APPROVAL OF AGENDA

Amendments: -Approval of Minutes of June 7, 2001 Telephone Conference Call  
-Variance request – Genelabs Technologies, Inc.  
-Final adoption of rules relating to minimum equipment will not be done  
-Report of NABP District IV Planning Committee

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the agenda as amended. Motion carried unanimously.

## APPROVAL OF MINUTES OF MAY 15, 2001

Corrections: -On page 2, under SECRETARY OSCAR HERRERA, delete the second sentence in the motion.

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to approve the Minutes of May 15, 2001 as amended. Motion carried unanimously.

## MINUTES OF JUNE 7, 2001 TELEPHONE CONFERENCE CALL

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the Minutes of the June 7, 2001 telephone conference call. Motion carried unanimously.

## MONTHLY PRESS RELEASES – LIST OF DISCIPLINARY ORDERS

This item was informational.

## FINAL ADOPTION OF CLEARINGHOUSE RULE 00-165 RELATING TO TRANSFER OF PRESCRIPTION ORDERS

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt Clearinghouse Rule 00-165 relating to transfer of prescription orders. Motion carried unanimously.

## PRESENTATION OF PROPOSED STIPULATION

### HORIZON PHARMACY

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Horizon Pharmacy. This matter will be deliberated on in closed session.

## REPORT ON NABP DISTRICT IV PLANNING COMMITTEE

Dan Luce reported on the NABP District IV planning committee meeting held last night. The planning committee would like to have input, and possible participation in the November meeting, from state investigators within the District IV area regarding approaches to disciplinary actions. The planning committee would like to focus on ways to improve performance of

individuals who are disciplined. The District IV meeting will be held November 9-11, 2001 in Madison.

## REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

### DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the Distributor's applications for **Clay Park Labs, NY; Esi Lederle, Division of Maerican Products Corp., OH; Valley Drug Company, OH,** and Walgreen's **Health Initiatives #06717, Eau Claire.** Motion carried unanimously.

### GENETICS INSTITUTE, INC, TN, AND GENETICS INSTITUTE, NV

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to approve the Distributor's applications for Genetics Institute, Inc., TN, and Genetics Institute, Inc., NV. Motion carried unanimously.

### VARIANCE REQUESTS

#### COPPS PHARMACY #116, STEVENS POINT

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the variance request of Copps Pharmacy #116, Stevens Point, with the understanding that a nurse must dispense the medication to the patient. Motion carried unanimously.

#### ADVANCED HEALTHCARE, SC, MILWAUKEE

MOTION: Dan Luce moved, seconded by Cynthia Benning, to deny the variance request of Advanced Healthcare, S.C., Milwaukee, as this is not a closed system. Motion carried unanimously.

#### SHOPKO PHARMACY, MARSHFIELD

MOTION: Dan Luce moved, seconded by Sue Sutter, to grant the variance request of ShopKo Pharmacy, Marshfield. Michael Bettiga abstained. Motion carried.

#### CHARTWELL MIDWEST, MADISON

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny the variance request of Chartwell Midwest, Madison. Motion carried unanimously.

#### QUAD/MED PHARMACY

MOTION: Michael Bettiga moved, seconded by Dan Luce, to require Quad/Med Pharmacy to send in reports every six months. Motion carried unanimously.

#### GENELABS TECHNOLOGIES

MOTION: Dan Luce moved, seconded by Michael Bettiga, to have legal counsel correspond with Genelabs Technologies that a license is not needed unless they intend to manufacture or distribute pharmaceuticals. Motion carried unanimously.

#### PRACTICE QUESTIONS

##### YVONNE KLUBERTANZ, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning to have legal counsel correspond to Yvonne Klubertanz, RPH, that any medication that is delivered to a patient being discharged needs to have a complete pharmacy label affixed to the container. Motion carried unanimously.

##### EDWIN PERKINS, RPH

The Board directed legal counsel to reply to Edwin Perkins, R.Ph.

##### JAMES C WURL, RPH

The Board directed legal counsel to reply to James C. Wurl, R.Ph.

##### LESTER CARTER, JR, RPH

The Board discussed the issue of electronic signatures and directed legal counsel to reply to Lester Carter, Jr., R.Ph.

#### FRANCISCAN-SKEMP MEDICAL CENTER PHARMACY

The Board directed legal counsel to reply to Scott Mihalovic, Franciscan-Skemp Medical Center pharmacy, that the original manufacturer's packaging should remain intact.

#### MILWAUKEE MEDICAL CLINIC PHARMACY

The Board directed legal counsel to reply to Paul Hoffmann, R.Ph., Milwaukee Medical Clinic Pharmacy, that their system must be in compliance with Phar 7.08, and suggests they consult with their legal counsel.

PATTI MATAZEN, RN

Legal counsel will reply to Patti Mataxen, RN, that she should talk with pharmacists within their system and should contact FDA for guidelines.

SHOPKO PHARMACY #127

Legal counsel will reply to Doug DeBroux, ShopKo Pharmacy #127, that the pharmacy may accept returned medication. All returned medication must be destroyed. If the store policy allows, a refund may be issued, but there are no state regulations regarding refunds for prescriptions.

SHOPKO STORES, INC

The Board has no regulations regarding insurance logs.

APPLETON MEDICAL CENTER

Legal counsel will correspond to Ann Gevelinger, pharmacy technician, that she should have a pharmacist or the hospital legal counsel research Wisconsin law.

VERNON MEMORIAL HOSPITAL

Legal counsel will correspond to Tom Wysocki, R.Ph., Vernon Memorial Hospital Pharmacy Manager, that this is a stock cabinet and not an ADS.

SIDNEY GOLINSKY, RPH

The Board directed William Black to respond to Sidney Golinsky, R.Ph. that he should consult with their legal counsel.

BERGEN BRUNSWIG CORPORATION CORRESPONDENCE RELATING TO DISASTER  
RELIEF PROGRAM

MOTION: Dan Luce moved, seconded by Sue Sutter, that it is the position of the Board that it will consider favorably, in the public interest, a program that meets disaster relief requirements of federal agencies to comply with state law for the duration of the disaster. Motion carried unanimously.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to have legal counsel develop a scope statement to develop rules relating to disaster relief. Motion carried unanimously.

REVIEW OF CORRESPONDENCE TO DEA REGARDING PHARMACIST  
MODIFICATIONS TO A WRITTEN PRESCRIPTION ORDER DATE FOR A  
SCHEDULE II CONTROLLED SUBSTANCE

This item was informational.

## PAIN AND POLICY STUDIES GROUP PUBLICATION ON PHARMACISTS' KNOWLEDGE AND ATTITUDES

This item was informational.

### NABP MEMO REGARDING FDA PROPOSED PRESCRIPTION DRUG PACKAGE INSERT FORMAT

The Board directed legal counsel to reply to DHHS, with a copy to NABP, that the Board is in favor of the proposed changes.

### NABP RESOLUTIONS PASSED AT ANNUAL MEETING

This item was informational.

### REPORT OF REVISIONS TO HFS 124

The Board reviewed the comments and revisions to HFS 124 from the last meeting. The Board would like to request DHFS to continue to correspond with the Board, and to include the PEB in the HFS 124 revision process

### REPORT OF PHARMACY INTERNSHIP BOARD

Cynthia Benning reported the PIB is concerned about students getting the most current information on changes to rules and statutes before they take the MPJE. Students are not licensed so they do not receive the *Regulatory Digest*, which has these updates. A query can be done on the MPJE test questions to find those questions that are affected by rules and statutes changes.

There is a movement in the Legislature to eliminate the PIB and its funding. There are great concerns about who will take over the functions performed by the PIB.

**MOTION:** Cynthia Benning moved, seconded by Dan Luce, to convey to the Legislature that the Pharmacy Examining Board feels there is value to the PIB and would like to see it remain intact. The PIB has statutory requirements for licensure of interns. The Pharmacy Examining Board is concerned that eliminating funding for the PIB does not eliminate the statutory requirements, and there would need to be an orderly transition of those requirements. Motion carried unanimously.

### REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the CSB is looking into the need for SUA's for individuals who transport drugs for euthanasia in the field. Rules were sent to the Clearinghouse to classify dihydroetorphine as a Schedule II controlled substance. Legal counsel is redrafting the scope statement to delete GBL from the current rules. The law as currently written presents a problem because many business are using GBL for legitimate purposes, but under the current Wisconsin law it is illegal to possess GBL. The Board discussed their concerns regarding the lack of

standards for training police service dogs for drug detection, and who should be allowed to possess controlled substances to facilitate this training.

#### REVIEW OF REVISED LETTER TO PSW

The Board reviewed and approved the revised letter to PSW. The letter will be sent today.

#### REVIEW OF REVISED PROPOSED AMENDMENT TO PHAR 2.01(1)

The word “commission” in should be changed to “committee”.

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to send the revised proposed amendment to Phar 2.01(1), as corrected, to the legislative clearinghouse. Motion carried unanimously.

#### RECESS TO CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of a proposed stipulation, personal appearance requesting reinstatement of license, considering requests for stays of suspensions and modifications in board orders, reviewing applications, reviewing cases closed in screening, reviewing cases with formal discipline, reviewing case status reports, discussion of examination issues and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 12:26 p.m.

#### RECONVENE IN OPEN SESSION

MOTION: Cynthia Benning, seconded by Sue Sutter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 4:44 p.m.

#### VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

##### PERSONAL APPEARANCE/REQUEST FOR REINSTATEMENT OF LICENSE

##### JAMES MEYER, RPH

MOTION: Dan Luce moved, seconded by Georgina Forbes, to grant a limited license to James Meyer, R.Ph. Mr. Meyer is to be limited to 30 hours per week for the first three months, he must work under full supervision and must follow the terms of his original order. Motion carried unanimously.



REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

MARK ANDERSON, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny the requests for a stay of suspension and modifications to the Order to Mark Anderson, R.Ph. Dan Luce abstained. Motion carried.

ROGER IVERSON, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to deny the request for a stay of suspension to Roger Iverson, R.Ph., as he is non-compliant with his Order. Motion carried unanimously.

WILLIAM KARWOSKI, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to William Karwoski, R.Ph. Motion carried unanimously.

DAVID L KLEINGARTNER, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a one-month stay of suspension to David L. Kleingartner, R.Ph., and to inform Mr. Kleingartner that he must provide a response to the letter of May 22, 2001. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant a three-month stay of suspension to Ralph Koch, R.Ph. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three-month stay of suspension, allow 8 hours per week as pharmacist in charge with no open or close, and a reduction in therapy to every other week to Paul Nelson, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Michael O'Kray, R.Ph. Motion carried unanimously.

CORY FORD, RPH

MOTION: Dan Luce moved, seconded by Georgina Forbes, to grant a three-month stay of suspension and allow 8 hours per week as pharmacist in charge with a co-worker present at all times to Cory Ford, R.Ph., and to remind Mr. Ford that all required information must be received by the Board on a timely basis. Motion carried unanimously.

CERTIFIED LETTER TO BE SENT TO ALL MONITORED PHARMACISTS

MOTION: Dan Luce moved, seconded by Cynthia Benning, to direct DOE to send a certified letter to all monitored pharmacists informing them of the deadlines for receipt of required paperwork. Motion carried unanimously.

APPLICATION REVIEW

GAY SHEKER, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to deny the application of Gay Sheker, R.Ph. Ms. Sheker must first obtain an unencumbered license in Nebraska before she may reapply to Wisconsin. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to grant a three-month stay of suspension to Andrew Rice, R.Ph. Motion carried unanimously.

ERIC A SCHUSTER, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to Eric A. Schuster, R.Ph., contingent upon Mr. Schuster meeting the following pre-conditions: 1) he must take and pass the MPJE and the consultation portion of the laboratory practical examination, and 2) he must continue to comply with the Order. Motion carried unanimously.

THOMAS TRISCARI, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension, allow one hour per day with a maximum four hours per week as pharmacist in charge, and allow to open and close to Thomas Triscari, R.Ph. Cynthia Benning abstained. Motion carried.

JEFFREY VERZAL, RPH

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to deny the request for a stay of suspension to Jeffrey Verzal, R.Ph., as he is non-compliant with his Order. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATION

HORIZON PHARMACY, TOMAH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to deny the proposed stipulation in the matter concerning Horizon Pharmacy, Tomah. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to close complaint **00 PHM 025** for prosecutorial discretion. Motion carried unanimously.

EXAMINATION SCORES

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to approve the exam scores as discussed with Dwayne Dorn. Motion carried unanimously.

CASE STATUS REPORT

There were no cases to close.

CORRESPONDENCE AND INFORMATIONAL ITEMS

These items were informational.

SCHEDULE 2002 EXAMINATION AND MEETING DATES

The examinations should be scheduled the second Tuesday of every month, with the Board meetings scheduled the following day.

ADJOURNMENT

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 5:25 p.m.

Phar061201